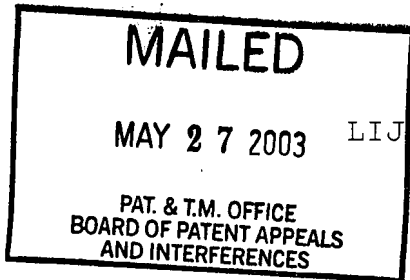


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte QIXU DAVID CHEN,
LIJI HUANG, CHARLES LEU and RAJIV YADAV RANJAN

Application 09/559,347

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on May 5, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

On pages 4 and 5 of the Examiner's Answer mailed February 26, 2003 (Paper No. 25), the examiner lists the following references under the heading "(9) Prior Art of Record";

5,480,733	Okumura et al.	1-1996
5,733,370	Chen et al.	3-1998
6,416,881	Huang et al.	7-2002
5,874,376	Taguchi et al.	2-1999
6,120,890	Chen et al.	9-2000
5,980,997	Ross et al.	11-1999
6,183,828 B1	Starcke et al.	2-2001

The Manual of Patent Examining Procedure (MPEP)

(8th Ed. Rev. 1, Feb. 2003) states:

(A) REQUIREMENTS FOR EXAMINER'S ANSWER.

The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

. . . .

(9) References of Record. A listing of the references of record relied on, and, in the case of nonpatent references, the relevant page or pages.

In accordance with § 1211 of the MPEP, clarification is required regarding the pertinence of the Huang reference since it does not appear to have been cited in any of the grounds of rejection.

In addition, on page 11 of the Examiner's Answer mailed February 26, 2003 (Paper No. 25), the examiner states:

Claims 9 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ross et al. ('997) in view of Starcke et al. and Taguchi et al. as applied above, and further in view of appellants' admissions.

It should be noted that claim 19 was cancelled pursuant to the amendment filed November 2, 2001 (Paper No. 6). Clarification regarding the claims involved in this rejection is required.

Accordingly, it is

ORDERED that the application is returned to the examiner:

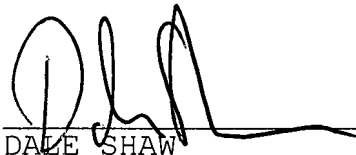
1. for clarification and written notification to appellants regarding the pertinence of the Huang reference listed on page 4 of the Examiner's Answer mailed February 26, 2003 (Paper No. 25);

2. for clarification and written notification to appellants regarding the claims involved in the rejection of "claims 9 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Ross et al. ('997) in view of Starcke et al. and Taguchi et al. as applied above, and further in view of appellants' admissions"; and

3. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



DALE SHAW

Program and Resource Administrator
(703) 308-9797

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ds/psb/lc
RA030319